

88-2619

Rocky Flats Plant  
Aerospace Operations  
Rockwell International Corporation  
P.O. Box 464  
Golden, Colorado 80402-0464  
(303) 966-7000



Rockwell  
International

Contractor to U.S. Department of Energy

August 22, 1988

88-RF-2619

Albert E. Whiteman  
Area Manager  
DOE, RFAO

## CLOSURE OF THE SOLAR EVAPORATION PONDS

Attn: C. C. Jierree.

On November 8, 1984, Congress enacted the Hazardous and Solid Waste Amendments of 1984 (HSWA). This act amended the Resource Conservation and Recovery Act (RCRA) in a number of respects. These amendments added a new Subsection (j) to Section 3005 of RCRA. Section 3005(j)(1) requires that surface impoundments which were in existence on November 8, 1984 and qualified to operate under interim status must be retrofitted to meet the minimum technological requirements specified in Section 3004(o)(1)(A), or cease the receipt of hazardous waste by November 8, 1988. The Rocky Flats Plant Solar Ponds do not meet the minimum technological requirements, and must accept Interceptor Trench Pump House Water (contaminated ground water from near the Solar Ponds). No other waste is accepted by the Solar Ponds, and has not been accepted for over a year.

RCRA Closure Plans for the Solar Evaporation Ponds have been submitted to the Colorado Department of Health (CDH) and the Environmental Protection Agency (EPA) in August 1986, March 1987, and on July 1, 1988. These plans have presented actions and time schedules for closure, all of which have been followed to the greatest extent possible. The Solar Ponds have been undergoing RCRA closure since August 1986. Likewise, at the June 2, 1988 special RCRA meeting with CDH and EPA, the draft schedule for Solar Pond Closure was presented. Nat Miullo of EPA stated that the deadlines in HSWA did not apply to the Solar Evaporation Ponds due to their containing a mixed waste. Mike Sattler of CDH further stated that CDH understood that the Solar Ponds could not be closed as required under HSWA, but that since the Solar Ponds were already undergoing closure, major regulatory conflicts for the Rocky Flats Plant should not arise. In addition to the above, written and other verbal

DIST.	LTR	ENCL
ANCHINI, D. J.	X	X
ADER, C. P.		
AMPBELL, G. W.		
OOD, R. C.		
INZER, J. E.		
IRBY, W. A.		
IGNETT, J. F.		
FEYERS, G. W.		
OECKER, J. H.		
HANNON, W. M.		
MITH, R. E.		
FEIDNER, C. W.		
VESTON, W. F.	X	X
JOZNIAK, B. D.		
OUNG, E. R.		

ETCHER, D. H.		
ARNIVAL, G. J.		
ARMAN, L. K.		
EBERT, J. L.		
OEY, J. B.		
OFFMAN, R. B.		
LAMANN, R. L.		
RIEG, D. M.		
IM, B. W.		
UDENBURG, G. E.		
AIMON, E. R.	X	X
EWBY, R. L.		
URNER, H. L.		
ELASQUEZ, R. N.		

CORRES. CONTROL	X	X
...	X	X
...	X	X
...	X	X
...	X	X
...	X	X

CLASSIFICATION		
CLASSIFIED	X	X
CONFIDENTIAL		
SECRET		

AUTH. CLASSIFIER SIG.

SL Cunningham  
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N REPLY TO LTR. NO.

APPROVALS

A. E. Whiteman  
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August 22, 1988

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comments regarding closure of the Solar Ponds have not discussed the HSWA or other deadlines, with the exception of requesting additional documentation regarding the exceedance of the 180 day closure deadline in the RCRA regulations. This additional documentation has already been provided in the March 1, 1987 Closure Plan, and revised for the July 1, 1988 Closure Plan. The US EPA RCRA Hotline stated on August 19, 1988 that if interim status closure plans are followed, then the facility having submitted the closure plan is in compliance if the plan is followed. No written acceptance need be received from the regulatory agencies.

Based on the above discussions and correspondence, it is understood that significant regulatory issues regarding the schedule for RCRA closure of the Solar Ponds do not exist. Unfortunately no written documentation from CDH/EPA has been received on this issue. We therefore suggest that the attached letter be sent to CDH/EPA to document discussions and guidance already given to the Rocky Flats Plant.

If you have any questions, please contact Frank Blaha of my staff on extension 5537.



K. B. McKinley  
RCRA/CERCLA Program

Orig. and 1 cc - A. E. Whiteman

Enc.

DRAFT      DRAFT      DRAFT      DRAFT      DRAFT      DRAFT      DRAFT

Joan Sowinski  
Colorado Department of Health  
Robert Duprey  
Environmental Protection Agency

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#### CLOSURE OF THE SOLAR EVAPORATION PONDS

The Hazardous and Solid Waste Amendments of 1984 (HSWA) requires that surface impoundments which were in existence on November 8, 1984 and qualified to operate under interim status must be retrofitted to meet the minimum technological requirements specified in Section 3004(o)(1)(A), or cease the receipt of hazardous waste by November 8, 1988. The Rocky Flats Plant Solar Ponds do not meet the minimum technological requirements, and must accept Interceptor Trench Pump House Water (contaminated ground water from near the Solar Ponds) until approximately January 1991. No other waste is accepted by the Solar Ponds, and has not been accepted for over a year.

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RCRA Closure Plans for the Solar Evaporation Ponds have been submitted to the Colorado Department of Health (CDH) and the Environmental Protection Agency (EPA) in August 1986, March 1987, and on July 1, 1988. These plans have presented actions and time schedules for closure, all of which have been followed to the greatest extent possible. The Solar Ponds have been undergoing RCRA closure since August 1986. Likewise, at the June 2, 1988 special RCRA meeting with CDH and EPA, the draft schedule for Solar Pond Closure was presented. Nat Miullo of EPA stated that the deadlines in HSWA did not apply to the Solar Evaporation Ponds due to their containing a mixed waste. Mike Sattler of CDH further stated that CDH understood that the Solar Ponds could not be closed as required under HSWA, but that since the Solar Ponds were already undergoing closure, major regulatory conflicts for the Rocky Flats Plant should not arise. In addition to the above, written and other verbal

Joan Sowinsky  
Robert Duprey  
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Based on the above discussions and correspondence, it is understood that significant regulatory issues regarding the schedule for RCRA closure of the Solar Ponds do not exist. Please respond in writing within two weeks if this understanding is incorrect. If written objections are not received in the above time period, it will be understood that the Rocky Flats Plant is in compliance on the above issues.

If you have any questions, please contact C. C. Jierree of my staff at 966-4888.

Albert E. Whiteman  
Area Manager  
DOE, RFAO

cc: Nat Miullo - US Environmental Protection Agency  
Mike Sattler - Colorado Department of Health  
Fred Dowsett - Colorado Department of Health  
Candice Jierree - Department of Energy, Rocky Flats Area Office  
Kirk McKinley - Rockwell International  
Dominick Sanchini - Rockwell International